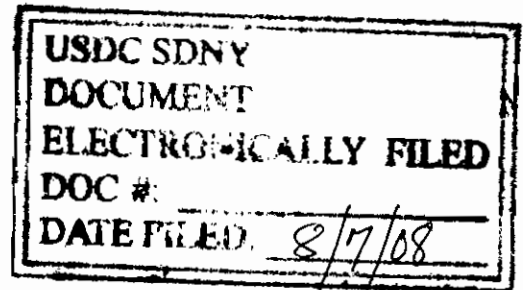


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----x
EVELYN DE LA CRUZ,

Plaintiff,

08 Civ. 5900 (PAC) (DFE)
This not an ECF case

- against-

MEMORANDUM AND ORDER

WHITNEY MUSEUM OF AMERICAN ART,
Defendant.
-----x

DOUGLAS F. EATON, United States Magistrate Judge.

1. District Judge Paul A. Crotty has referred this pro se case to me to conduct pre-trial supervision and to send to him a Report and Recommendation if anybody makes a motion for dismissal or summary judgment. Until further order, all correspondence should be addressed to me, with no copy to Judge Crotty. A review of the Court records indicates that the Complaint was filed on June 30, 2008 and the clerk issued a summons. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint [i.e., by October 28, 2008], the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period ...

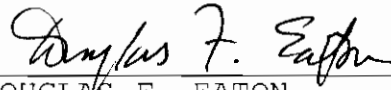
2. On or before October 28, 2008, Ms. De La Cruz must send to me proof of service or good reasons why she has not made service. (She can serve the summons and Complaint on the defendant herself, or she can request the U.S. Marshal to do so.) If she fails to comply with this directive, then I will recommend that the District Judge dismiss this lawsuit.

3. As soon as the plaintiff knows the name of the attorney appearing for the defendant, plaintiff must place a telephone call to my courtroom deputy, Helen Lewis, at 212 805-6183.

4. The address of the Pro Se Office is Room 230, United States Courthouse, 500 Pearl Street, New York, N.Y. 10007, and their telephone number is (212) 805-0175. They can provide

USDC SDNY
DATE SCANNED 8/7/08

assistance in connection with the Court's procedures, but they cannot give legal advice.



DOUGLAS F. EATON
United States Magistrate Judge
500 Pearl Street, Room 1360
New York, New York 10007
Telephone: (212) 805-6175
Fax: (212) 805-6181

Dated: New York, New York
August 7, 2008

Copies of this Memorandum and Order were sent on this date by mail to:

Evelyn De La Cruz
2830 Sedgwick Avenue
3A
Bronx, NY 10468

Hon. Paul A. Crotty